

Entered - 09/02/03 - sb  
CL03L0705 - DIANNE C. MITCHELL

CLAIM OF: **HERITAGE SQUARE, INC.,**  
through its attorney,  
**Ephram E. Michael**  
2233 Lake Park Drive  
Suite 220  
Atlanta, Georgia 30080

04-*R*-0290

For damages alleged to have been sustained as a result of property damage due to flooding from 1995 to present at 1350 Mayson Turner Road.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_

**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 2/24/04

CHAIR: [Signature]

Paul Shook

C. T. Milton

Carla Smith

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MAR 01 2004



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

March 5, 2004

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Ephram E. Michael  
Attorney at Law  
2233 Lake Park Drive  
Suite 220  
Atlanta, GA 30080

04-R-0290

RE: Heritage Square, Inc.

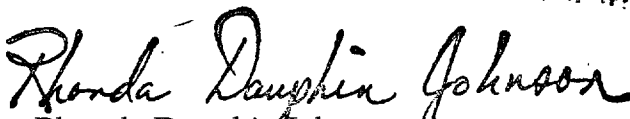
Dear Attorney Michael:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on March 05, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

  
Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **03L0705**

Date: February 6, 2004

Claimant/Victim **HERITAGE SQUARE, INC.**  
BY: (Atty) Ephram E. Michael  
Address: 2233 Lake Park Drive, Suite 220, Atlanta, Georgia 30080  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ **Not Stated** Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 08/18/03 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) \_\_\_\_\_ X  
Date of Occurrence 1995 to present Place: 1350 Mayson Turner Road  
Department **Watershed Management** Bureau: **Storm Water**  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges its property has been damaged due to an ongoing flooding problem. However, the claimant has elected to file a lawsuit to resolve the issues raised in its claim.

## INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
 Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report   X   Other \_\_\_\_\_  
 Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
 Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental                     X                     Ministerial                       
Improper Notice                      More than Six Months                      Other           X           Damages reasonable                       
City not involved                      Offer rejected                      Compromise settlement                       
Repair/replacement by Ins. Co.                      Repair/replacement by City Forces                       
Claimant Negligent                      City Negligent                      Joint                      Claim Abandoned                     

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse ☒ Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_  
 Claims Manager: *[Signature]* Concur/date 02/12/04  
 Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5475  
3/01/04  
3:54 PM

Atlanta City Council

Regular Session

CONSENT I                    CONSENT I , EXCEPT: 04-O-0328,04-O-0047  
04-O-0221,04-R-0309,04-O-0324,04-O-0216  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

<b>3-01-04 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>
1. 04-O-0324 2. 04-O-0328 3. 04-O-0332 4. 04-O-0337 5. 04-O-0338 6. 04-O-0339 7. 04-O-0155 8. 04-O-0047 9. 04-O-0221 10. 04-O-0251 11. 04-R-0039 12. 04-R-0305 13. 04-R-0306 14. 04-R-0307 15. 04-R-0308 16. 04-R-0353 17. 04-R-0298 18. 04-R-0301 19. 04-R-0313 20. 04-R-0344 21. 04-R-0345 22. 04-R-0366 23. 04-R-0248 24. 04-R-0297 25. 04-R-0325 26. 04-R-0326 27. 04-R-0336 28. 04-R-0343 29. 04-R-0355 30. 04-R-0299 31. 04-R-0316 32. 04-R-0062 33. 04-R-0302 34. 04-R-0303 35. 04-R-0304 36. 04-R-0309 37. 04-R-0354 38. 04-R-0275 39. 04-R-0276 40. 04-R-0277	41. 04-R-0278 42. 04-R-0279 43. 04-R-0280 <b>ITEMS ADVERSE ON CONSENT</b> 44. 04-R-0281 45. 04-R-0282 46. 04-R-0283 47. 04-R-0284 48. 04-R-0285 49. 04-R-0286 50. 04-R-0287 51. 04-R-0288 52. 04-R-0289 53. 04-R-0290 54. 04-R-0291 <b>55.</b> 04-R-0292 56. 04-R-0293 57. 04-R-0294 58. 04-R-0295 59. 04-R-0296